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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,830	01/22/2002	Heinrich Lang	LMX-69-CON	6532
<div>7590 McNAIR LAW FIRM P O BOX 10827 GREENVILLE, SC 29603-0827</div>				
<div>04/02/2009</div>				
EXAMINER				
SHAFFER, RICKY D				
ART UNIT		PAPER NUMBER		
2872				
MAIL DATE		DELIVERY MODE		
04/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,830

Applicant(s)

LANG ET AL.

Examiner

Ricky D. Shafer

Art Unit

2872

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-25 is/are pending in the application.
- 4a) Of the above claim(s) 2-6 and 11-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 18, 21, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal brief filed on 12/08/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Ricky L. Mack/
Supervisory Patent Examiner
Art Unit 2873

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 18, 21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sillmann ('925) in view of Voight ('838) or Dauenbaugh ('487).

Sillmann discloses a rearview mirror assembly comprising a support structure (1, 2, 3, 9, 19, 33) for mounting the mirror assembly to a vehicle, the support structure including a first part (9) having a substantially permanent connection to the vehicle via element (2) and a second part (3, 19), wherein the second part of the support structure is disposed on a support arm (4, 33) having a mirror (7), an adjustment mechanism (the pivotable connection shown in Fig. 9 which attaches element 33 to element 19), a snap in detent (6, 32, 70), a key activated locking mechanism (22, 23, 25 and 26) including a key cylinder (25, 26) and a latch member (22) disposed on the support structure for selectively locking together the first and second parts of the support structure and a removable cover (3), note figures 1 to 9 along with associated description thereof, except for the key activated locking mechanism of the locking mechanism being disposed on the first part of the support structure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange and/or reverse the location of locking mechanism of Sillmann such that the key activated locking mechanism including the key cylinder (25,26) and latch member (22) is positioned on the first part of the support structure, instead of being located the second part of support structure, in order to increase the stability of the support structure, since it has been held that rearranging parts and/or the mere reversal of parts of an invention involves only routine skill in the art. Note *In re Japikse*, 86 U.S.P.Q. 70; *In re Einstein*, 8 U.S.P.Q. 167; and *In re Kuhle*, 188 U.S.P.Q. 7.

As to the limitations that the latch member being a rotatable latch member having a hook-shape, Voight and Dauenbaugh each teach it is well known to use hook-shaped latching members for selectively engaging a strike plate in an analogous art of locking mechanisms for the purpose of preventing unauthorized entry/removal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the latch member of Sillmann to include a rotatable hook-shaped latch member and element 23 to include a strike plate, as taught by Voight or Dauenbaugh, in order to increase the strength of the locking mechanism.

4. Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 19 and 20 are allowed.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The examiner can normally be reached on Mon-Fri. 11:00 to 7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky D. Shafer/
Primary Examiner
Art Unit 2872

March 30, 2009